

## Virginia and West Virginia Boundary Agreement of 1863

ACT OF ASSEMBLY, EXTRA SESSION, 1862-63

WHEELING, VIRGINIA

### CHAPTER 54

An ACT giving the consent of the State of Virginia to the county of Berkeley being admitted into and becoming part of the State of West Virginia.

Passed January 31, 1863

WHEREAS, by the constitution for the state of West Virginia, ratified by the people thereof, it is provided that additional territory may be admitted into and become part of said state with the consent of the legislature thereof, and it is represented to the general assembly that the people of the county of Berkeley are desirous that said county should be admitted into and become part of the said state of West Virginia; now, therefore,

1. Be it enacted by the General Assembly, That polls shall be opened and held on the fourth Thursday of May next at the several places for holding elections in the county of Berkeley, for the purpose of taking the sense of the qualified voters of said county on the question of including said county in the state of West Virginia.
2. The poll books shall be headed as follows, viz: "'Shall the county of Berkeley become a part of the state of West Virginia,'" and shall contain two columns, one headed "'aye'" and the other "'no,'" and the names of those who vote in favor of said county becoming part of the state of West Virginia shall be entered- in the first column, and the names of those who vote against it shall be entered in the second column.
3. The said polls shall be superintended and conducted according to the laws regulating general elections, and the commissioners superintending the same at the court-house of the said county, shall within six days from the commencement of the said vote examine and compare the several polls taken in the county, strike therefrom any votes which are by law directed to be stricken from the same, and attach to the polls a list of the votes stricken therefrom and the reasons for so doing. The result of the polls shall then be ascertained, declared and certified as follows: The said commissioners shall make out two returns in the following form, or to the following effect:-"We, commissioners for taking the vote of the qualified voters of Berkeley county on the question of including the said county in the state of West Virginia, do hereby certify that polls for that purpose were opened and held the fourth Thursday of May; in the year 1863, within said county pursuant to law, and that the following is a true statement of the result as exhibited by the poll books, viz: for the county of Berkeley becoming part of the state of West Virginia, \_\_\_\_ votes; and against it, \_\_\_\_ votes. Given under our hands this \_\_\_\_ day of \_\_\_\_\_ 1863;" which returns written in words, not in figures, shall be signed by the commissioners; one of the said returns shall be filed in the clerk's office of the said county, and the other shall be sent under the seal of the secretary of this commonwealth within ten days from the commencement of the said vote, and the governor of this state, if of opinion that the said vote has been opened and held, and the result ascertained and certified pursuant to law, shall certify the results of the same under the seal of this state to the governor of the said state of West Virginia.
4. If the governor of this state shall be of opinion that the said polls cannot be safely and properly

opened and held in the said county of Berkeley on the fourth Thursday of May next, he may by proclamation postpone the same, and appoint in the same proclamation or by one to be thereafter issued another day for opening and holding the same.

5. If a majority of the votes given at the polls opened and held pursuant to this act be in favor of the said county of Berkeley becoming part of the state of West Virginia, then shall the said county become part of the said state of West Virginia when admitted into the same with the consent of the legislature thereof.

6. This act shall be in force from its passage.

#### ACTS OF ASSEMBLY, EXTRA SESSION, 1862-63 WHEELING, VIRGINIA CHARTER 78

An Act giving consent to the admission of certain counties into the new State of West Virginia, upon certain conditions.

Passed February 4, 1863

1. Be it enacted by the General Assembly of Virginia, That at the general election on the fourth Thursday of May, one thousand eight hundred and sixty-three, it shall be lawful for the voters of the district composed of the counties of Tazewell, Bland, Giles, and Craig, to declare by their votes whether said counties shall be annexed to and become a part of the new state of West Virginia; also, at the same time, the district composed of the counties of Buchanan, Wise, Russell, Scott, and Lee, to declare by their votes whether the counties of the said last named district shall be annexed to and become a part of the state of West Virginia; also at the same time, the district composed of the counties of Alleghany, Bath, and Highland, to declare by their votes, whether the counties of such last named district shall be annexed to and become a part of the state of West Virginia; also, at the same time, the district composed of the counties of Frederick, and Jefferson, or either of them, to declare by their votes, whether the counties of the said last named district shall be annexed to and become a part of the state of West Virginia; also, at the same time, the district composed of the counties of Clarke, Loudoun, Fairfax, Alexandria, and Prince William, to declare by their votes, whether the counties of the said last named district shall be annexed to and become a part of the state of West Virginia, also, at the same time, the district composed of the counties of Shenandoah, Warren, Page and Rockingham, to declare by their votes, whether the counties of the said last named district shall be annexed to and become a part of the state of West Virginia; and for that purpose there shall be a poll opened at each place of voting in each of said districts, headed "'For Annexation," and "'Against Annexation." And the consent of this general assembly is hereby given for the annexation to the said state of West Virginia of such of said districts or either of them, as a majority of the voters so polled in each district may determine: provided, that the legislature of the state of West Virginia shall also consent and agree to the said annexation, after which all jurisdiction of the state of Virginia over the districts so annexed shall cease.

2. It shall be the duty of the governor of the commonwealth to ascertain and certify the results as other elections are certified.

3. In the event the state of the country will not permit, or from any cause, said election for annexation cannot be fairly held on the day aforesaid, it shall be the duty of the governor of this commonwealth, as soon as such election can be safely and fairly held and a full and free expression of the people had thereon to issue his proclamation ordering such election for the purpose aforesaid, and certify the result as aforesaid.

4. This act shall be in force from its passage.